

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:08-CR-00278-BR

UNITED STATES OF AMERICA

v.

CORNELIUS MORGAN

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ORDER

This matter is before the court on defendant's letter dated 28 October 2011. In that letter, defendant requests that the court consider giving him a reduction in the applicable sentencing range and consider appointing counsel for him. Defendant states that he now realizes the seriousness and consequences of violating the law and that his term of incarceration has definitely instilled in him a respect for the law which would deter any future criminal conduct.

The court may reduce a defendant's sentence under very limited circumstances, none of which defendant suggests in his letter. See 18 U.S.C. § 3582(c) (court may only modify a term of imprisonment, once it has been imposed, if the Bureau of Prisons makes a motion to reduce the term, the government makes a motion pursuant to Rule 35 of the Federal Rules of Criminal Procedure, or a motion is made based on the Sentencing Commission's having lowered the applicable guideline range and made that reduction retroactive).

To the extent defendant's letter could be deemed a motion, it is DENIED. However, pursuant to Standing Order No. 11-SO-01, the Federal Public Defender is appointed to represent defendant to determine whether defendant may qualify for a sentence reduction based on the

revised base offense levels for crack cocaine.

This 2 April 2012.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge